

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NIKKI POOSHS,
Plaintiff,
v.
ALTRIA GROUP, INC. *et al.*,
Defendants.

Case No. C-04-1221 PJH-JCS

**~~PROPOSED~~ ORDER ON RJR'S
OBJECTIONS TO PLAINTIFF'S
EXHIBITS TO BE PROFFERED
WITH DR. CUMMINGS**

Judge: The Hon. Phyllis J. Hamilton

The Court has reviewed Defendant's January 25, 2016 submission regarding RJR's objections to Plaintiff's exhibits to be proffered with Dr. Cummings. The Court rules as follows:


Exhibit No.	Objection(s)	Court's Ruling
35	Relevance; Concert of Action	<i>Sustained</i>
62	Claim Dismissed (Ruling No. 73)	<i>Sustained</i>
34	Post-69 Advertising and Promotion	<i>Sustained</i>
63	(Ruling No. 64)	<i>Sustained</i>
74		<i>Sustained</i>

Exhibit No.	Objection(s)	Court's Ruling
161		<i>sustained</i>
1496 1787 2033	Relevance (non-party inquiry to RJR); Unfair Prejudice; Lack of Nexus	<i>overruled</i> <i>sustained</i> <i>sustained</i>
55 77 101	Unfair Prejudice; Due Process (Right to Defend in Litigation); Ruling No. 28	<i>Sustained</i> <i>Sustained</i> <i>Sustained</i>
939	Authenticity	<i>sustained</i>
81 88 173	Relevance (non-party document authored by H&K); Unfair Prejudice	<i>Sustained</i> <i>Sustained</i> <i>Sustained</i>
2150	Relevance (internal non-party document authored by BAT); Unfair Prejudice; Design (Ruling Nos. 6, 74, 86)	<i>Sustained</i>
85	Hearsay within Hearsay; Unsegregated Aggregate Harm (Ruling Nos. 22, 68, 71)	<i>Sustained</i>
87 179	Relevance (internal non-party document authored by TI); Unfair Prejudice; Unsegregated Aggregate Harm (Ruling Nos. 22, 68, 71)	<i>Sustained</i> <i>Sustained</i>
171	Relevance (document authored by non-party to non-party); Unfair Prejudice; Unsegregated Aggregate Harm (Ruling Nos. 22, 68, 71)	<i>Sustained</i>
184	Hearsay within Hearsay; Unsegregated Aggregate Harm (Ruling Nos. 22, 68, 71); Evidence against non-party manufacturers	<i>Sustained</i>

Exhibit No.	Objection(s)	Court's Ruling
	(Ruling Nos. 22, 71)	
212 X	Design (Ruling Nos. 6, 74, 86)	<i>overruled</i>
214		<i>sustained</i>
221		<i>overruled</i>

IT IS SO ORDERED

Dated: January 25, 2016


PHYLLIS J. HAMILTON
 United States District Judge